

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 96-22

March 14, 1996

TO: All Regional Directors, Officers-in-Charge,
and Resident Officers

FROM: B. Allan Benson, Acting Associate General Counsel

SUBJECT: Advice and Appeals Memoranda

It has come to our attention that copies of certain internal General Counsel Advice and Appeals memoranda, which are not public and which would not be disclosed under the Freedom of Information Act, are nevertheless sometimes in the possession of parties to our cases. This is of particular concern where the memoranda direct or authorize further case processing in meritorious cases.

The only Advice or Appeals memoranda that may be released routinely are Advice memoranda directing dismissal of all charge allegations addressed in the memorandum, so called "no-go" memoranda. Any other memoranda, including mixed "go" and "no-go" memoranda or memoranda containing casehandling instructions, may not be released without clearance from the General Counsel's FOIA Officer in Washington.

Please ensure that all staff members, both professional employees and support staff employees, are fully aware of the restrictions on the dissemination of such memoranda. Of course, the mere fact that such material is distributed internally as a significant Advice or Appeals memorandum does not affect the nondisclosability of the memoranda.

Any instances where parties to our cases are in possession of such material should be brought to our attention. If you have any questions concerning this memorandum, please call me or your Assistant General Counsel.

B. A. B.

cc: NLRBU

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